

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 424 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
22/02/2005 in WP NO : 15537 OF 2004 on the file of the High Court.)

Between:

Sri Maruvada Seetaramayya, s/o M.V.Pantulu, r/o Flat No.2-C, Sai Vasavi
Enclave, Vasavi Nagar,
Karkhana, Secunderabad being rep., by his GPA Holder Sri M.V.Pantulu, s/o
late M.S.Ayya, aged 70 years
r/o Flat No.2-C, Sai Vasavi Enclave, Vasavi Nagar, Karkhana,
Secunderabad.

..... APPELLANT

AND

- 1 The Mandal Revenue Officer, Chinagadili,
Visakhapatnam District.
- 2 The Revenue Divisional Officer, Visakhapatnam.
- 3 The District Collector, Visakhapatnam, Visakhapatnam
District.

.....RESPONDENTS

Counsel for the Appellant:SMT.N.(P).ANJANA DEVI,
SATYANARAYANA

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

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ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

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1 . Petitioner had on an earlier occasion filed W.P.No.27370 of 2003 seeking direction to quash and set aside the order of cancellation of assignment as contrary to principles of natural justice. Learned single Judge disposed of the said writ petition on 06.01.2004 with liberty reserved to the petitioner to apply to the Mandal Revenue Officer or the Revenue Divisional Officer for a copy of the order of cancellation in case assignment made in favour of the petitioner is cancelled and further observed that in case such order copy is supplied and if the petitioner would feel aggrieved, it will be open for the petitioner to challenge the same in accordance with law.

2. Grievance of the petitioner is that thereafter petitioner came to know that there was no cancellation, but petitioner's name was not being recorded in the revenue records. Therefore, he represented before the respondents for recording the name in the revenue records. However, no steps were taken by the respondents. Thereafter writ petition was filed, which has been dismissed by the learned single Judge on the ground that disputed questions of fact have arisen for consideration which may not be appropriate to decide in exercise of writ jurisdiction. However, liberty has been reserved to the petitioner – appellant to establish his title to the land by filing suit. The said order is under challenge in this appeal.

3. We have gone through the detailed counter-affidavit. Petitioner – appellant is claiming title to a piece of land to an extent of Ac.5.00 in Sy.No.108/1 (part) of Madhurawada village, Chinagadili Mandal, Visakhapatnam District, on the basis of the assignment 'D' form patta alleged to have been granted on 20.06.1979. Respondents have questioned the legality and validity of the patta saying that there was no assignment made in favour of the petitioner. Filing of writ petition is an attempt to grab Government land. Copies of D-Form patta and revenue receipts filed by the writ petitioner – appellant are fake documents and they do not find mention in the revenue records when verification of the record was made. Reference has also been made to two other individuals who are claiming similar title to Sy.No.108/3 and Sy.No.108/5, whereas petitioner – appellant is claiming title to the land in Sy.No.108/1. It is stated that lands are not assigned to any individual at any point of time. Lands are being used as 'Vagu' for public purpose. It is stated that assignment in favour of other two individuals was cancelled by competent authority, but in the case of the petitioner no assignment was made and the revenue receipts filed by the writ petitioner are fake documents.

4. In this view of the matter, the order passed by the learned single Judge cannot be faulted with. Accordingly the appeal is dismissed. No costs.

DEVINDER GUPTA. C.J.,

B. SESHASAYANA REDDY. J.,

Dated: 15.03.2005.

VRK.

To

- 1 The Mandal Revenue Officer, Chinagadili,
Visakhapatnam District.
 - 2 The Revenue Divisional Officer, Visakhapatnam.
 - 3 The District Collector, Visakhapatnam, Visakhapatnam
District.
4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

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**HON'BLE SRI DEVINDER GUPTA,
CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE B. SESHASAYANA REDDY.**

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W.A.NO. 424 OF 2005.

**(Judgment of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 15.03.2005.

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